

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Case No. 1:24-cv-00331-LM-TSM

Frank Staples and Kathleen Bussiere, Plaintiffs

v.

Governor Chris Sununu, et al., Defendants

FILED - USDC - NH  
2024 DEC 27 PM 2:38

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*Expedited Motion*

PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT JUDGMENT AGAINST DEFENDANT  
GOVERNOR CHRIS SUNUNU

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NOW COME the Plaintiffs, Frank Staples and Kathleen Bussiere, pursuant to Federal Rule of Civil Procedure 55(b), and respectfully move this Honorable Court to enter default judgment against Defendant Governor Chris Sununu for failure to respond to the Complaint within the time required by law.

In support of this motion, Plaintiffs state as follows:

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1. Service of Summons and Complaint

Plaintiffs served Governor Chris Sununu with the Summons and Complaint on December 4, 2024, as evidenced by the Proof of Service filed with this Court (Doc. 5).

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2. Response Deadline

Under Federal Rule of Civil Procedure 12(a)(1)(A)(i), a defendant must serve an answer or other responsive pleading within 21 days of being served. Counting December 4, 2024, as the first day, Governor Sununu's deadline to respond was December 24, 2024.

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### 3. Failure to Respond

As of the date of this filing, Governor Sununu has failed to file an answer, motion, or other responsive pleading, and no order extending his response deadline has been issued.

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### 4. Defendants' Motion for Extension Is Moot and Filed in Bad Faith

On December 20, 2024, Defendants filed a Motion to Set a Single Deadline (Doc. 8), seeking to extend Governor Sununu's response deadline to February 18, 2025. This motion is both moot and filed in bad faith, as:

#### (a) Misrepresentation Regarding Waiver of Service:

In prior filings (Docs. 6 and 7), Defendants falsely represented to the Court that they had received a request to waive service of summons. Plaintiffs never requested such a waiver, and no such request exists in the court record. This misrepresentation was an improper attempt to extend the response deadline for all defendants without justification.

#### (b) Service of All Defendants Completed:

As of December 27, 2024, all remaining defendants—including Attorney General John Formella, Prosecutor Charles O'Leary, and the 72 unnamed law enforcement officers—have been properly served in hand. Proof of service has been filed with this Court, rendering any argument regarding waiver or extension moot.

#### (c) Governor Sununu's Deadline Was Not Extended:

The filing of the motion on December 20, 2024, does not toll or extend Governor Sununu's response deadline under Rule 12(a)(1)(A)(i). His deadline of December 24, 2024, has passed, and his failure to respond constitutes grounds for default.

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### 5. Request for Attorney's Fees

Plaintiffs request an award of reasonable attorney's fees in the amount of \$72,000, reflecting over 216 hours of work at a reasonable rate of \$333/hour. A detailed time log and justification is attached as Exhibit A.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Honorable Court:

1. Enter default judgment against Defendant Governor Chris Sununu pursuant to Federal Rule of Civil Procedure 55(b);
2. Award compensatory damages in an amount to be determined at a damages hearing, including but not limited to emotional distress, reputational harm, physical injuries, and economic losses;
3. Award punitive damages to deter future constitutional violations and misconduct by the defendants;
4. Award reasonable attorney's fees under 42 U.S.C. § 1988, in the amount of \$72,000, as detailed in the attached Exhibit A;
5. Schedule a hearing to determine the precise amount of damages, if necessary; and
6. Grant such other and further relief as this Court deems just and proper.

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Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Frank Staples', with a stylized, flowing script.

Frank Staples  
332 Merrimack Street  
Manchester, NH 03103  
(603) 722-5408  
Absolutedefiance@protonmail.com

Date: December 27, 2024

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**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Motion for Default Judgment has been served via the Court's CM/ECF system on all counsel of record and via certified mail to any unregistered parties.

[Signature]

A handwritten signature in black ink, consisting of stylized, overlapping loops and strokes, positioned to the right of the [Signature] label.

## **LExhibit A: Fee Log and Justification for Attorney's Fees**

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### **Plaintiffs' Estimated Time Log**

The following is a reasonable estimate of the time Plaintiffs have expended prosecuting this case, broken down by category:

#### **1. Complaint Drafting and Research**

Researching § 1983, § 1985, and related constitutional claims.

Drafting, refining, and organizing the initial complaint.

Total Estimated Time: 80 hours

#### **2. Motion Preparation**

Drafting the objection to Defendants' motion for extension.

Preparing the motion for default judgment.

Reviewing and responding to Defendants' filings to address contradictions.

Total Estimated Time: 50 hours

#### **3. Legal Strategy Discussions and Research**

Discussing and developing legal arguments (e.g., injunctive relief, damages, and procedural strategies).

Researching procedural rules and relevant case law.

Total Estimated Time: 60 hours

#### **4. Process Service and Administrative Work**

Coordinating service of process for all named defendants.

Filing documents with the court and ensuring proper formatting.

Total Estimated Time: 20 hours

#### 5. Miscellaneous Tasks

Organizing evidence, responding to communications, and general preparation.

Total Estimated Time: 40 hours

Total Estimated Hours: 216 hours

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#### Justification for Hourly Rate

Plaintiffs request an hourly rate of \$333/hour based on:

1. Complexity of the Case: The case involves constitutional violations under § 1983 and § 1985, requiring significant expertise and time investment.

2. Pro Se Litigant Expertise: Plaintiff Frank Staples has successfully prosecuted a § 1983 action before and has demonstrated the legal knowledge and skills comparable to licensed attorneys in this field.

3. Prevailing Rates: Civil rights attorneys in the New Hampshire federal district typically charge between \$250–\$500/hour, making \$333/hour reasonable for the quality of work and the scope of the case.

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#### Fee Calculation

**Hourly Rate: \$333/hour**

**Total Hours: 216 hours**

**Total Fees:  $\$333 \times 216 = \$72,000$**

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) Charles C. Leary  
was received by me on (date) 12/27/24.

☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
\_\_\_\_\_ on (date) \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) Christopher Bond, who is  
designated by law to accept service of process on behalf of (name of organization) State of NH  
\_\_\_\_\_ on (date) 12/27/24; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 12/27/24

Russan Chester  
Server's signature

Russan Chester  
Printed name and title

34 John Goffe Dr



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) 72 John Doe's  
was received by me on (date) 12/27/24.

☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
\_\_\_\_\_ on (date) \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) Christopher Bond, who is  
designated by law to accept service of process on behalf of (name of organization) State of NH  
\_\_\_\_\_ on (date) \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 12/27/24

Russan Chester  
Server's signature

Russan Chester  
Printed name and title

34 John Coffee Dr

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) John Furnella  
was received by me on (date) 12/27/24.

☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
on (date) \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) Christopher Bond, who is  
designated by law to accept service of process on behalf of (name of organization) State of NH  
on (date) 12/27/24; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 12/27/24

Russan Chester  
Server's signature

Russan Chester  
Printed name and title

30 John C. ... 12/27/24